

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

WISCONSIN ALUMNI RESEARCH  
FOUNDATION,

Plaintiff,

Case No. 14-cv-00062-WMC

Case No. 15-cv-00621-WMC

v.

APPLE INC.,

Defendant.

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**MOTION FOR STATUS CONFERENCE**

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Plaintiff Wisconsin Alumni Research Foundation (“WARF”) respectfully requests a status conference with the Court for the purpose of discussing the status of pending motions in 14-cv-62 (“*WARF I*”) and 15-cv-621 (“*WARF II*”).

WARF filed the first case on January 31, 2014, alleging infringement of U.S. Patent No. 5,781,752. The case was tried in October 2015 and was eventually appealed to the United States Court of Appeals for the Federal Circuit, which reversed the judgment after construing a claim term that was not construed by this Court. *See Wisconsin Alumni Research Foundation v. Apple, Inc.*, 905 F.3d 1341 (Fed. Cir. 2018). On remand, WARF is requesting a new trial because the scope of the Federal Circuit’s decision relates only to literal infringement and trial should be held on WARF’s claims under the doctrine of equivalents.

WARF filed its second case on September 25, 2015 asserting the ‘752 patent against new versions of Apple’s processors that were not included in the trial in *WARF I*. The second case was stayed pending the result in *WARF I*, including during the appeal of the first case to the Federal Circuit. But because no theory of preclusion or estoppel resolves WARF’s doctrine of equivalents claims, WARF is also entitled to trial in *WARF II* on those claims.

On January 25, 2019, the Court issued a briefing schedule in both cases (*WARF I* Dkt. 789; *WARF II* Dkt. 62) for the parties to file briefs relating to WARF's request for trial and the effect of the decision of the United States Court of Appeals for the Federal Circuit in *Wisconsin Alumni Research Foundation v. Apple, Inc.*, 905 F.3d 1341 (Fed. Cir. 2018).

WARF's motions requesting trial in these cases have been fully briefed and awaiting decision since March 29, 2019. WARF respectfully requests that the Court set a Status Conference to be held at the Court's convenience to discuss the status of the pending motions and to determine whether trial may be scheduled later this year.

The parties have conferred through counsel about this motion; Apple has stated that it takes no position on WARF's motion.

Respectfully submitted,

Dated: January 28, 2022

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